Memo

To: Williston Selectboard
From: Matt Boulanger, Director of Planning
Cc: Erik Wells, Town Manager; Planning Commission
Date: July 15, 2022
Re: **Taft Corners Form-Based Code: Possible Amendments Before Adoption**

OVERVIEW

This memo introduces a series of six topics staff has identified throughout the Selectboard's consideration and July 5th public hearing on the Taft Corners Form-Based Code, associated Bylaw Amendments, and Official Map. Staff has prepared a summary of each topic. For each issue, staff has identified possible adjustments Selectboard members could choose to make to the draft prior to considering adoption.

THE SIX TOPICS

1. **ESSEX ALLIANCE CHURCH PROPERTY (SNYDER GROUP, INC.)**
   Request to remove property from overlay district.

2. **LAPIERRE PROPERTY (ALLEN BROOK DEVELOPMENT)**
   Request to reconfigure Regulating Plan layout and remove some property from overlay district.

3. **TAFT CORNERS COMMERCIAL PARK (TAFT CORNERS ASSOCIATES, INC)**
   Request to remove some property from overlay district.

4. **BUILDING HEIGHT**
   Option to adjust minimum and/or maximum allowed stories, overall height, or adjust Building Form areas on Regulating Plan.

5. **GREEN SPACES**
   Consider size and number of green spaces; understand acquisition and development process

6. **ADMINISTRATIVE APPROVAL PROCESS**
   Consider level of DRB and Selectboard involvement.

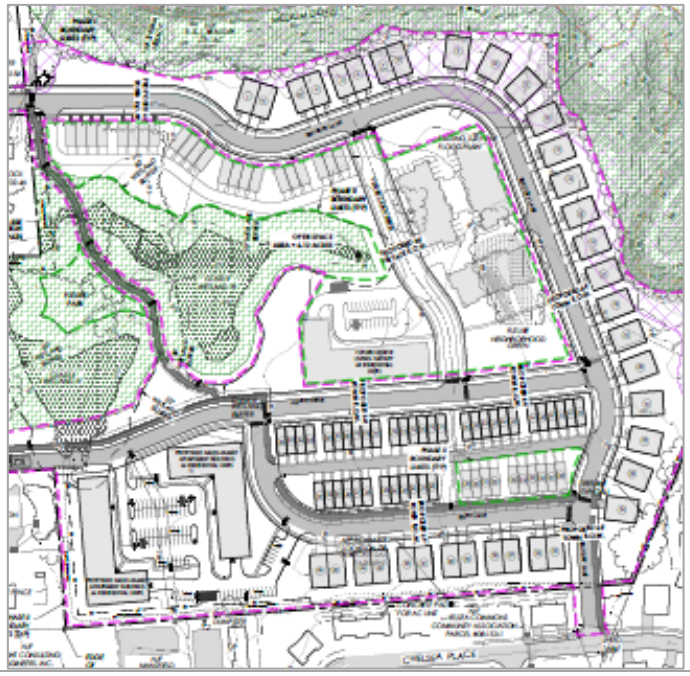
PROCESS

Planning staff is available to discuss these and other possible changes with the Selectboard at the July 19th work session. As soon as staff is aware that the Selectboard would like to consider a change in the draft, staff can integrate requested changes into a hearing draft so the adoption process can continue.

Topic #1 – Essex Alliance Church Property (The Snyder Group, Inc.)

Image 1a: Regulating Plan excerpt of EAC property area

Images 1b & 1c: Excerpts from of DP 21-18 discretionary permit filed June 3, 2022 (DRB hearing on July 26, 2022)



Topic #1 – Essex Alliance Church Property (The Snyder Group, Inc.)
Overview: The Essex Alliance Church (EAC) property is 54.2 acres located at the northeast corner of the Growth Center. It is north of Finney Crossing/Chelsea Commons and east of Route 2A. It is bounded by the Allen Brook on north and eastern sides. The Snyder Group, Inc. c/o Chris Snyder began permitting for "The Annex" in August 2021. The proposal includes 208 dwellings and 65-units of senior living in various building types. Mr. Snyder was a participant in the My Taft Corners visioning process, including individual meetings with the consultant team, in spring of 2021 prior to submitting this application in August 2021. At pre-application review with the Development Review Board (DRB) in September 2021 he was informed that Form-Based Code may be applicable to the future phases or amendments. Phase 1 of "The Annex" is currently vested in an application to subdivide the entire property and is vested in the building design of approximately 75% of the buildings on the site.
Request: Mr. Snyder has requested for the Essex Alliance Church property to be excluded from the Form-Based Code Overlay District and remain in the existing Taft Corners Zoning District (TCZD).
Planning Commission Decision: On March 15th, the Planning Commission decided 6-0 (1 absence) to keep EAC in the Form-Based Code Area. This is the largest development proposal in the Growth Center since Finney Crossing and Cottonwood Crossing. The Annex is anticipated to build out over several years. Future phases and amendments should be subject to FBC even if the first phase can obtain vesting. If The Annex proposal completely fails and a new application is proposed, it would lose vesting and permitting would begin again under FBC. Keeping EAC in the Overlay District ensures that some, if not all, of the development conforms to Form-Based Code.

Decision Options	
Staff seeks direction from the Selectboard on its preferred option from the list below:	**Staff Next Step**
<u>Option 1.</u> Keep the EAC property in the Form-Based Code Overlay District *Outcome: Future phases or amendments to DP 21-18 "The Annex" will be subject to FBC. If The Annex project were to cease and a new development get proposed, it would be subject to FBC.*	No change
<u>Option 2.</u> Exclude the EAC property from the Form-Based Code Overlay District *Outcome: Existing zoning bylaws for Taft Corners Zoning District (WDB 41) and Design Review (WDB 22) would remain applicable. Anticipate a development pattern and architectural style like Finney Crossing.*	Redraw the Regulating Plan & Zoning Map. Update existing chapters in WDB so existing standards apply.

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Topic #2 – Bur Oak Knoll and LaPierre lands (Allen Brook Development, Inc.)

Image 2a: Existing Bur Oak Knoll conservation area per WDB 27 is shown on Interactive Map excerpt as black hatching. Red dot is water tower.

Image 2b: Regulating Plan overlaid on 2005 LaPierre wetland delineation and Cottonwood Crossing layout. Red dot is the water tower. North is to right.

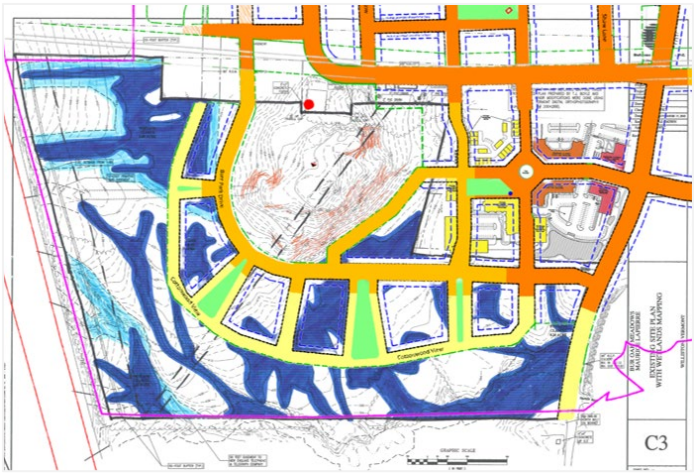


Image 2c: Regulating Plan "brainstorm idea" as presented at February 15th Commission hearing based on Mr. Senecal's comments.

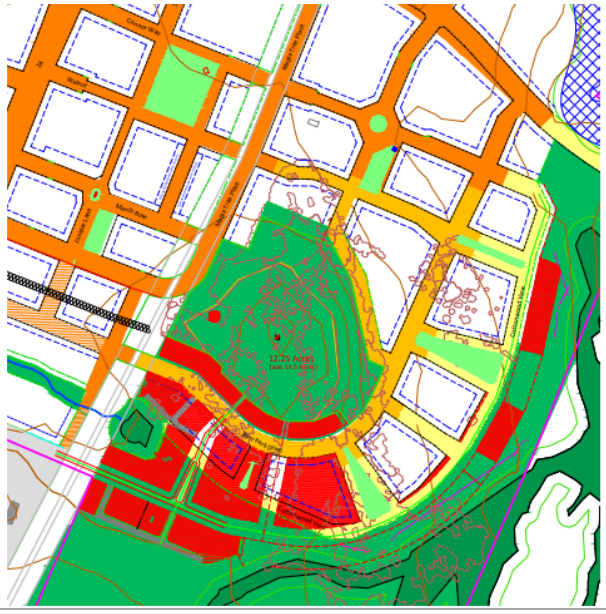


Image 2d: Regulating Plan as transmitted by Planning Commission for Selectboard hearing.

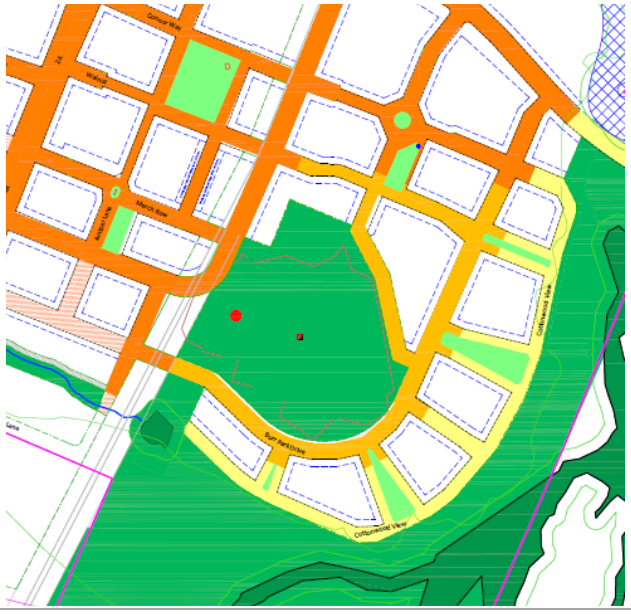


Image 2e: Regulating Plan sketch prepared by Brian Bertsch for Allen Brook Development from July 5, 2022 hearing.

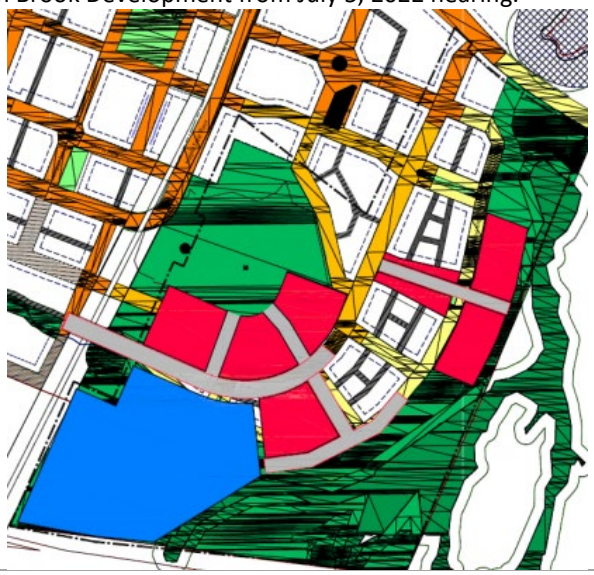
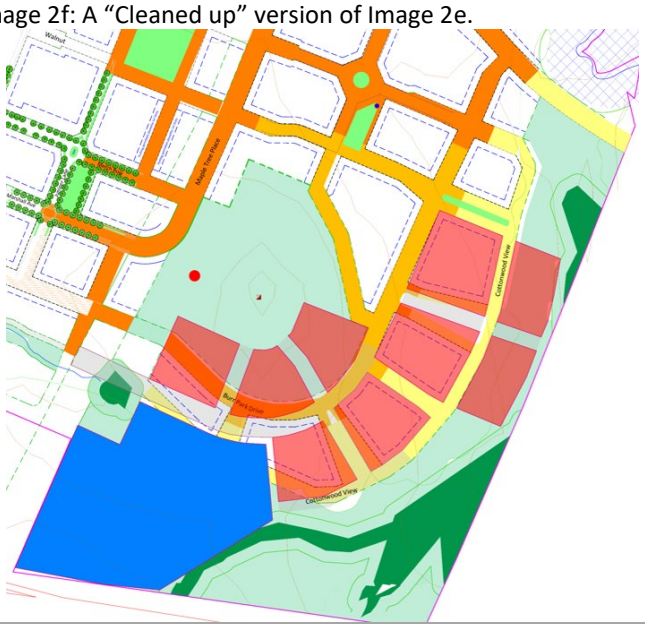


Image 2f: A "Cleaned up" version of Image 2e.



Topic #2 – Bur Oak Knoll and LaPierre lands (Allen Brook Development, Inc.)
Overview: The Lapierre land is undeveloped and owned by Allen Brook Development. It is located to the east and south of Cottonwood Crossing. The land is also east of Maple Tree Place near the water tower. The Bur Oak Knoll is an existing conservation area under WDB Chapter 27 as shown on Town Plan Map 18.
Request: Mr. Senecal of Allen Brook Development, Inc has requested a reconfiguration to the Regulating Plan map, see Image 2e & 2f. The request is twofold: 1) Reconfigure the Regulating Plan to adjust block layout and buildable area. Image 2e eliminates two civic greens/parks and adds developable area into Bur Oak Knoll area (red) 2) Exclude lands (blue) from the Form-Based Code District. Excluded lands would remain in the the existing Mixed-Use Residential Zoning District (MURZD).
Planning Commission Decision: On March 15th, the Planning Commission was at first tied 3-3 (1 absence) to change the Regulating Plan layout from Image 2d to Image 2c. The commission then had consensus to keep the Regulating Plan as-is (Image 2d). They recognized that this area of the Growth Center is perhaps the most speculative given potential wetlands constraints. Any revisions to the Regulating Plan now are based on incomplete information, particularly wetlands delineation. The commission anticipates working with the landowner in the future to amend the Regulating Plan when more information is known about development potential and constraints.

Decision Options	
Staff seeks direction from the Selectboard on its preferred option from the list below:	**Staff Next Step**
Option 1. Keep the Regulating Plan as-is for the Bur Oak Knoll/Lapierre lands. *Outcome: Expect a request to revise the Regulating Plan when more information is known about development constraints.*	No change
Option 2. Revise the Regulating Plan as shown in Images 2d or 2e. *Outcome: Expect a request to revise the Regulating Plan when more information is known about development constraints. Reduces the overall green park/civic space in the FBC Overlay District.*	Redraw the Regulating Plan & Zoning Map. Update existing chapters in WDB so existing standards apply.
Bonus Option: Direct staff to draft a Selectboard Policy for an efficient and transparent process for considering Regulating Plan amendments. *Outcome: Amending the regulating Plan is a legislative act by the Planning Commission and Selectboard. The developer is concerned that this process will be lengthy and muddled. A policy would establish guidelines for applicants as well as require timely processing of the requests by the Town.*	Draft a Selectboard Policy for the processing of Regulating Plan Amendment requests.

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Topic #3 – Taft Corners Associates Property

Image 3a: Screenshot of interactive map. TCZD (light red) and MUCZD (light purple) are the existing zoning districts. The yellow line is the FBC Overlay District boundary; red line is Growth Center boundary. Food Science, Walmart, Home Depot, and Lot 33 are excluded from FBC.

Image 3b: TCA land development timeframe. Red hatching = built prior to 2009 (majority are 1990s); green hatching = undeveloped; and blue = build after 2009. Many "built lots" have potential for infill under current zoning and FBC.

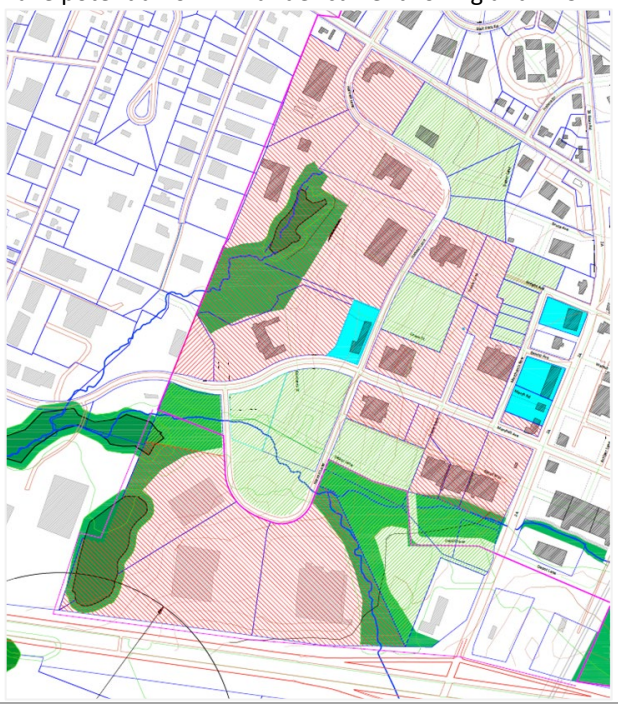

Image 3c: Option to adjust Overlay District boundary on Regulating Plan to 150' south of Marshall Ave (black line) to exclude more TCA land from FBC. Pink line is existing FBC district boundary.

Image 3d: Regulating Plan as proposed by Planning Commission.

Topic #3 – Taft Corners Associates Property
Overview: Taft Corners Commercial Park was subdivided in 1986 to originally create 38 lots along Harvest Lane, Marshall Ave south of Route 2/Williston Road and west of Route 2A. NEFCU, Goodwill building, UPS, Gardener's Supply, Food Science, Walmart, Home Depot, BB&B, PetSmart, Marshall's/REI building, Hannaford's and a few other buildings all developed prior to 2009, most in the 1990s. Williston's zoning took a significant departure from allowing "big box" stores in 2004 and again in 2009 with the adoption of the Unified Development Bylaws. Since 2009, only Town Fair Tire, "Lot 30" (Panera Bread, Aspen Dental, Verizon), and CVS were developed by Taft Corners Associates. Proposals for Lot 26 (near PetSmart) were considered in 2003 and 2015 but did not move forward due to significant compliance issues with the design standards. To date, no residential buildings have been constructed on TCA lands. The Form-Based Code minimum building height of 2 stories is required in Transitional Neighborhood and Strollable Neighborhood Building-Form Areas. A minimum of 3 stories is required in the Town Center Building-Form Area. This is a significant departure from the MUCZD and TCZD where 'multiple stories' is one option for design elements, but not outright required. In TCZD, 5 of 9 design elements must be included. In MUCZD, 3 of 8 design elements must be included. The existing design standards for Mixed-Use Commercial (MUCZD) and Taft Corners (TCZD) zoning districts discourage single-story, single-tenant retail buildings with parking lots fronting the street space. Many of the existing "big" box and "medium" box stores on TCA lands could not be developed today with the same layout and design.
Request: Mr. Davis and Mr. Nick have asked for more flexibility to build more single-story traditional retail on TCA Lands. One way to accomplish this would be to exclude more of the TCA lands from the Overlay District.
Planning Commission Decision: The commission voted 5-1 (1 absence) to leave the building height requirements and overlay district boundary as-is for the TCA lands south of Marshall Ave. The Planning Commission recognized that the most recent permit applications for this area – Lot 26 in 2003 and 2015 – did not move forward because the proposed site design did not align with the zoning design standards. Similarly, the Planning Commission recognized that a small footprint, single-story building on a walkable street (like Church Street in Burlington or downtown Vergennes) is far different that a single-story, single-tenant retail store surrounded by parking.

Decision Options	
Staff seeks direction from the Selectboard on its preferred option from the list below:	**Staff Next Step**
<u>Option 1.</u> Keep as-is. *Outcome: TCA Lots 23, 24, 26, 27, 37 and portions of 22 & 38 are subject to FBC.*	No change
<u>Option 2.</u> Revise FBC Overlay District Boundary near Marshall Ave. Give staff direction on where the revised boundary should be located. *Outcome: More land will remain in the existing Mixed-Use Commercial Zoning District (MUCZD).*	Revised Regulating Plan and other map boundaries.

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Topic #4 – Building Height

Table 4a: Table summarizing building height and other metrics for each form area.

BFS District Name	Minimum Height (stories)	Maximum Height (stories & ft)	Attic Story Permitted?	Maximum Footprint Size (ft^2)	Maximum Full-height Depth from Required Building Line (ft)	Minimum Façade on Required Building Line (%)	Maximum Building Width (ft)	Minimum Building Width (ft)
Town Center	3	5 & 64’	Yes	20,000 SF	80’	80%	180’	60’
Shopfront* *Subset of Town Center	3	5 & 64’	Yes	20,000 SF	80’	80%	180’	60’
Transitional Neighborhood	2	4 & 53’	Yes	20,000 SF	80’	70%	120’	50’
Strollable Neighborhood	2	3 & 42’	Yes	7,000 SF	80’	70%	100’	20’

Image 4b: Page 22 of FBC. *Diagram H. Building facade view Building height measurement: Large floorplates along significantly sloped frontages need to ‘step’ the building in order to maintain the proper relationship with the sidewalk.*

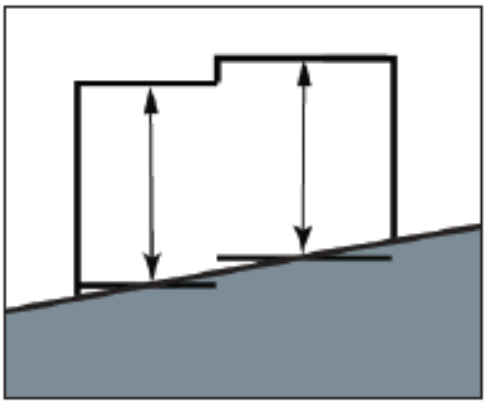


Image 4c: Page 25 of FBC.

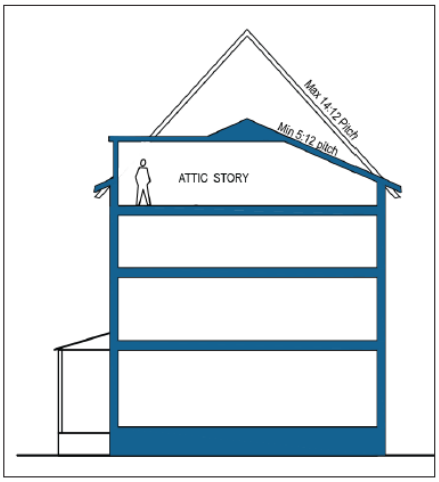
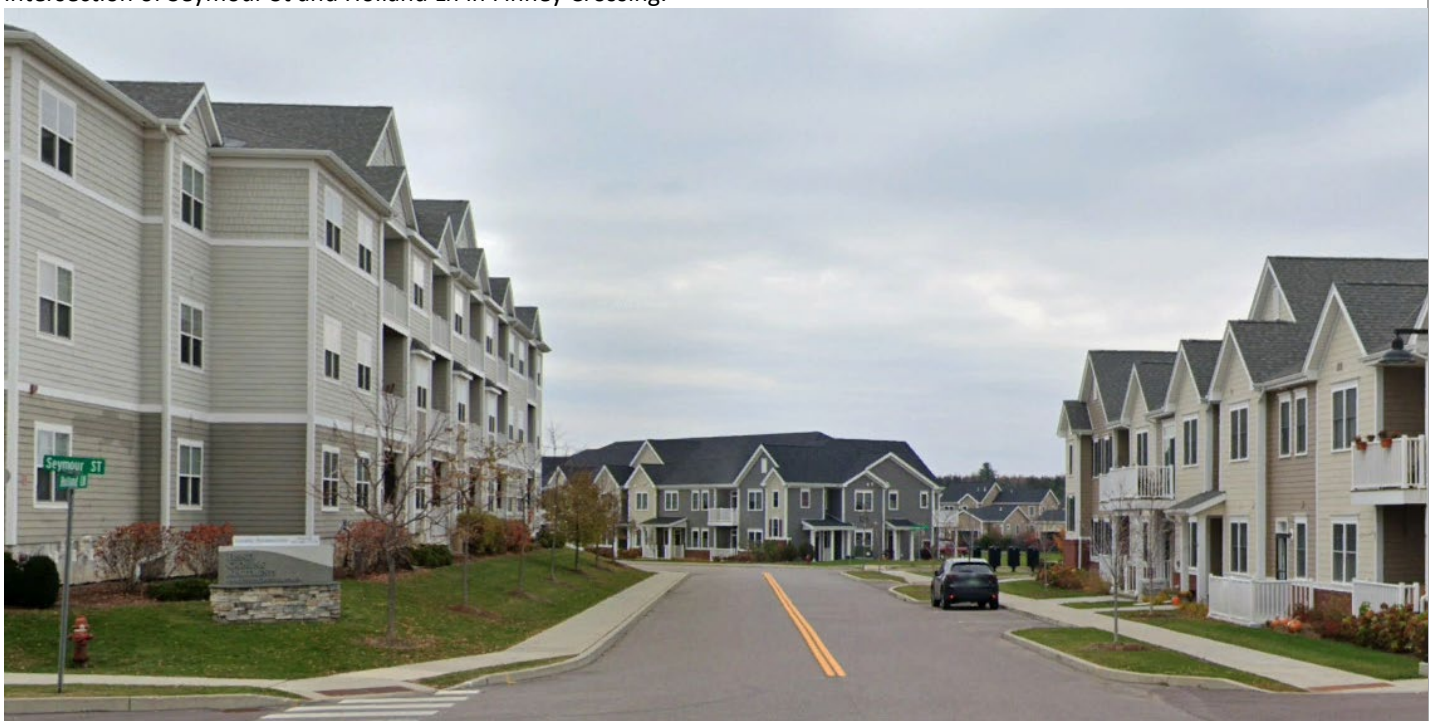


Diagram M. ATTIC STORY

Image 4d: The apartment building, left, is “mounded up” from sidewalk when compared to townhomes, right, as seen from the intersection of Seymour St and Holland Ln in Finney Crossing.



Topic #4 – Building Height

Overview: The draft Code strikes a balance between allowed building height, a preference for pitched roofs, affordable density of dwellings, aesthetic preferences, and building scale. The current bylaws allow 3-4 story buildings in all areas of the Growth Center at a maximum height of 52 feet from the average finished grade at the foundation to the top of the roof (exclusive of mechanical equipment and screening above the roof, which has no limit). The draft Form-Based Code addresses building height differently.

- Height in the draft Code is measured from the clear sidewalk elevation adjacent to the building. This prevents an applicant from reducing the measured building height by "mounding" earth around the foundation.
- Maximum and minimum building heights within the Form-Based Code Overlay District vary based on which "Building Form" area a property is located within (Image 4a). The tallest buildings are allowed in the Town Center BFS at 5 stories or 64' with a potential 6th attic story. The maximum building height represents an incremental increase over what is allowed in allowed height in some parts of the growth Center, and imposes an incremental reduction in allowed height in parts of the Growth Center that are earnest to existing residential neighborhoods.
- The draft Code allows pitched roofs that contain up to one "attic story" above the maximum height limit, as an incentive to create "Uniquely Williston" pitched-roof buildings. This way of regulating building height and design could allow a building with a roof that extends above 100 feet.

Request: Citizen input at the public hearing has been related either to the affordability and energy-efficiency advantages of additional height (thus in favor of retaining the allowed five-stories-plus-an-attic-story configuration in much of the Overlay District) or concerns about visual impact and compatibility with existing structures (which would be in favor of reducing either the number of allowed stories and/or the maximum total height for new structures in the Overlay District).

Planning Commission Decision: The commission voted 5-1 (1 absence) to keep the minimum building height as shown in Image 4a. The commission also voted 5-1 (1 absence) to keep the building height maximums as proposed. It is challenging for a single-story building to meet all the other design elements of the code, and the single-story, single-tenant buildings are already discouraged under current zoning standards. In terms of maximum height, the commission weighed the affordability and energy efficiency benefits of taller, denser buildings against the aesthetic concerns, particularly the "windshield perspective" of mountain viewsheds.

Decision Options	
Staff seeks direction from the Selectboard on its preferred option from the list below:	**Staff Next Step**
<u>Option 1.</u> Keep as-is. *Outcome: Building heights allowed as shown in Table 4a and Building Form Areas as shown on the Regulating Plan map.*	No change
<u>Option 2.</u> Revise maximum and/or minimum building height. Selectboard should give direction on height metrics for each form area. *Outcome: Potential one-story buildings are allowed in some or all parts of the form-based Code Overlay District and maximum height is limited to three or four stories. Potential for affordability is reduced. Some streetscapes may be impacted.*	Edit Section 3: Building Form Standards.
<u>Option 4.</u> Adjust location of building form areas on Regulating Plan map. Selectboard should give direction on which Regulating Plan streets should be recolored. *Outcome: Maximum height is limited to three or four stories. Potential for affordability is reduced. Some streetscapes may be impacted.*	Develop language and diagrams for Section 3: Building Form Standards.
<u>Bonus Option:</u> Add a metric to limit the maximum height of a pitched roof above an attic story. For example, limit total building height to 81 feet, which would still allow the minimum allowed roof pitch on top of the maximum 64-foot, 5 story building. Steeper pitches could be used on shorter buildings. *Outcome: density and potential for affordability is maintained but maximum total building height is limited.*	Add language and new diagrams to Section 3: Building Form Standards.

Topic #5 – Green Spaces

Image 5a: Regulating Plan Map as transmitted by Planning Commission for Selectboard hearing.

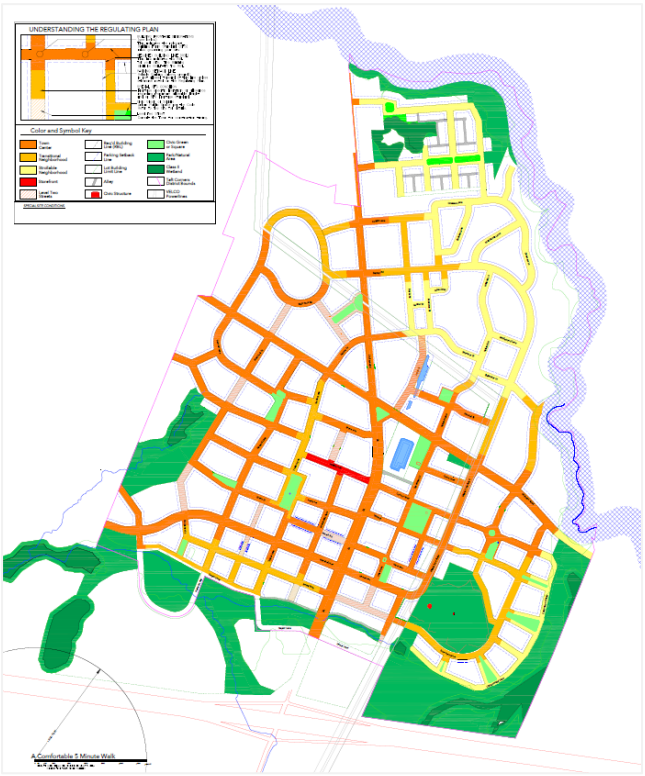
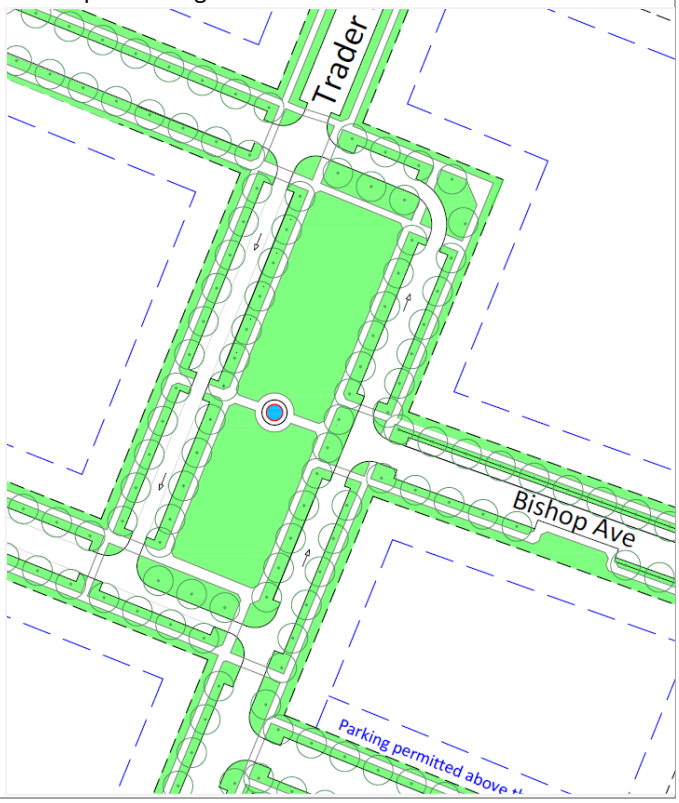


Image 5b: Walkshed for greens and squares on the Regulating Plan. Circles symbolize a 650-ft or 2 ½ min walk radius. (Note this was from Dec 2021 Planning Commission review so the Finney Crossing green was not yet included on Reg Plan map).

Image 5c: Rendering of the Trader Lane Green from Vision Plan

Image 5d: Trader Lane Green with detail showing potential street space configuration and trees.



Topic #5 – Green Spaces
Overview: To date, there are no public parks or green spaces in the Taft Corners Growth Center. An Official Map is the strongest tool available to a Vermont municipality to identify land for planned public facilities. The Official Map provides transparency to landowners and the general public about the necessity of planned public facilities and about the planned physical location of planned public facilities. The Official Map also creates a defined process by which the municipality can obtain land for planned public facilities if the developer chooses not to accommodate it. An Official Map is used by several municipalities in Vermont including: Berlin, Burlington, Colchester, Hinesburg, South Burlington. In Williston, the Official Map in Taft Corners is meant to be specifically used with two other regulatory tools included in currently proposed bylaw amendment: the form-based code and impact fee waivers. These three regulatory tools are designed to work in concert to create a system that compensates landowners when they develop their property and allocate land for, or build, planned public facilities. The form-based code provides greater development potential, and flexibility, to landowners in Taft Corners provided they develop in a manner that achieves the Town's land use goals. The impact fee waiver systems allows landowners to have costs for constructing infrastructure credited against their impact fee liability for infrastructure that is intended serve a public purpose (e.g. streets and parks). The Official Map ensures that the future "built form" (e.g. location of streets, buildings, parking, and parks) creates a "design-conscious, pedestrian-friendly, mixed-use development and redevelopment pattern in the Taft Corners area." In addition to public greens & civic squares on the Official Map/Regulating Plan, the Form-Based Code has private open space requirements for individual developments, as well as Street Specifications that call for wide tree belts, enhanced dooryards, and sidewalks.
Request: The Selectboard has heard some public comment related to the planned green spaces in the Overlay District. Members of the public, stakeholders, and selectboard members have raised concerns about the cost to the town of acquiring and maintaining public green spaces that are identified in the draft Code. Issues related to the quantity of planned green spaces and the means by which they would be acquired, developed into parks, and maintained by the Town have been raised. While the Selectboard could choose to adjust the number or size of planned green spaces on the Official Map and Regulating Plan, the staff memo for this issue mostly focusses on clarifying what the town is and is not committed to by identifying these spaces on the Official Map.
Planning Commission Decision: The Planning Commission developed a Regulating Plan that puts most land within the FBC Overlay District within a 5-minute walk of a future public green or civic square. Throughout the My Taft Corners visioning process, the Commission heard vigorous public support for green space and significant comment demanding additional green space beyond what is mapped in the draft Code. The Regulating Plan serves as the town's vision and "wish list" for public spaces in Taft Corners where none exist.

Decision Options	
Staff seeks direction from the Selectboard on its preferred option from the list below:	**Staff Next Step**
<u>Option 1.</u> Keep as-is. *Outcome: The developer has incentives to include the desired facility (park, green, street, etc.) in their development, but if they do not "accommodate" it, the Selectboard has the option to "institute proceedings." The Selectboard has the option to decline proceedings and let the land develop as if the street/park is not on the Regulating Plan.*	No change
<u>Option 2.</u> Revise the number or size of green spaces on the Regulating Plan. *Outcome: If the park, civic green, or street is removed from the Regulating Plan now, the developer has no incentive to build it and the Selectboard is not given the opportunity to acquire it.*	Redraw the Regulating Plan & Official Map to reduce or remove planned green spaces.

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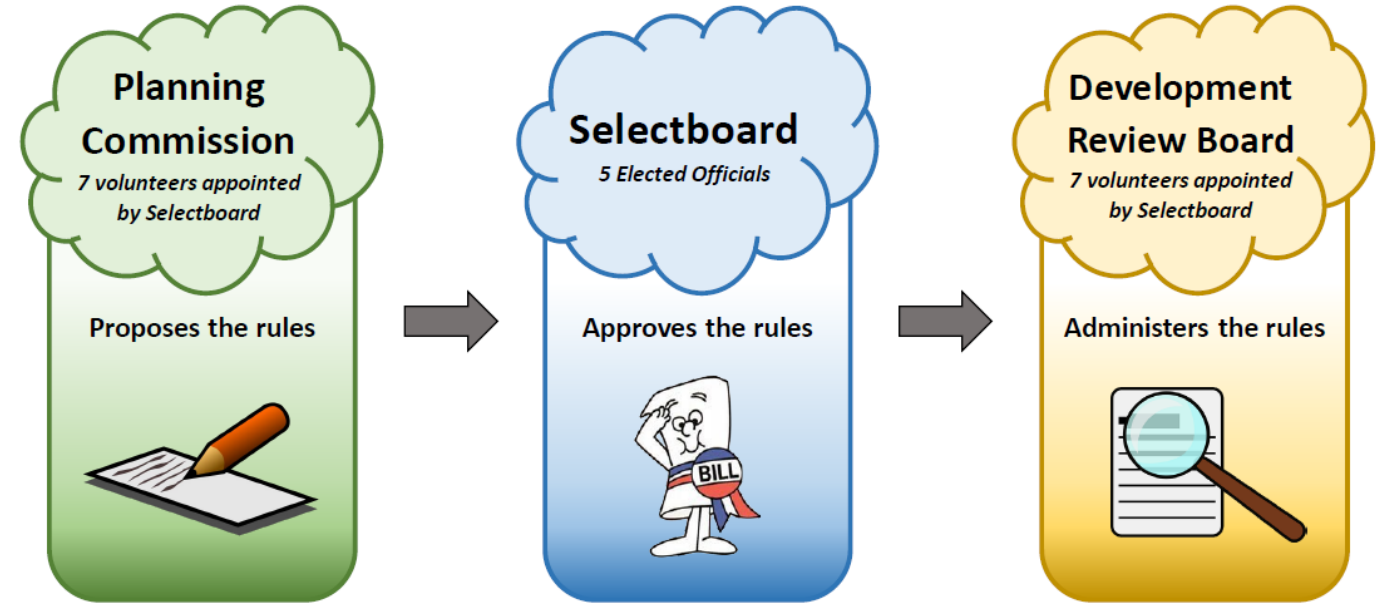
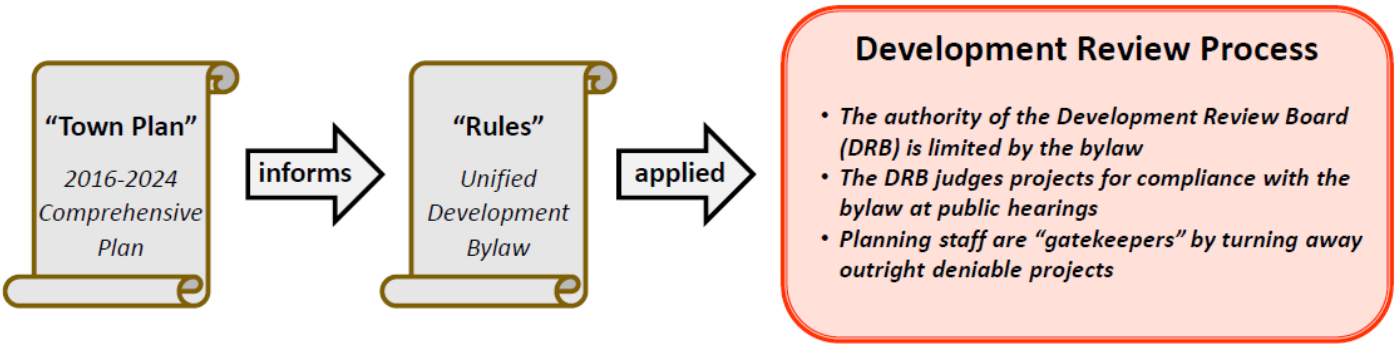
Topic #6 – Administrative Approval Process

Image 6a: Development review roles and responsibilities.





Topic #6 – Administrative Approval Process
Overview: The role of the Planning Commission and Selectboard is to write and adopt development and design standards that achieve the goals of the Williston Comprehensive Plan. These bodies are the Town's visionaries and legislative policymakers. The Development Review Board and its agent, the Zoning Administrator, are the project-specific enforcers of said policies – in this case the Williston Unified Development Bylaws (WDB). The Williston Unified Development Bylaws (WDB) are already very prescriptive in terms of development standards and leaves the DRB little authority to make truly "discretionary decisions." The design standards are challenging to enforce with statements like "pitched roofs are preferred," and "use a variety of colors and materials, but with restraint." While some changes and improvements can be made to development site layout and architectural design through the DRB process, those changes are typically very minor and not a fundamental shift from the applicant's original proposal. It is not the role of the DRB to design an applicant's project or be their architect/engineer, rather it is their role to ensure it complies with zoning. If the DRB were to deny an otherwise approvable project, that denial would likely get appealed and overturned in state court. Today, planning staff prepare a detailed report for the DRB – comparing a project to the bylaw for compliance with draft conditions and motion. The Certificate of Conformity is the next step in evolution of the process of efficient and transparent permit review. Staff is working with Geoff Ferrell, the Form-Based Code consultant, to draft administrative forms and checklists that are clear and thorough so anyone – engineer to abutting neighbor – can see how the administrator came to the decision that a project conforms with every aspect and quantitative metric of the Form-Based Code. If applicant or abutter disagrees with the Administrator' decision they can appeal to the Development Review Board.
Request: Concerns from the public that the decision-makers, Selectboard and Planning Commission, are cut out of the process. Developers and landowners have requested the DRB be given more authority to amend the Regulating Plan or remove streets from the Regulating Plan. There has been some public comment about the permit approval process called for in the draft Code. This process is designed to be clear, open, efficient, and mostly administrative. There has been some comment that this change to process cuts publicly elected and appointed officials out of the decision-making process. While the Selectboard could choose to change the permitting procedure to involve the Development Review Board more in the permitting process, some decisions not currently part of the permitting process at all (adjustments to the Official Map and Regulating Plan) would come to the Selectboard.
Planning Commission Decision: Though not explicitly voted on at the March 15th work session, the Planning Commission, as well as the Development Review board, has been supportive of the administrative permit process for "Certificate of Conformity." Both are aware that subdivisions and plats will continue to be reviewed by the DRB. **Legal Review:** The Official Map and Regulating Plan are legislative policies. They have limited thresholds administrative adjustments (particularly exact street location), but amendments like adding or removing streets and parks must be made by the Planning Commission and Selectboard same as any other bylaw amendment.

Decision Options	
Staff seeks direction from the Selectboard on its preferred option from the list below:	**Staff Next Step**
<u>Option 1.</u> Keep the Certificate of Conformity process as-is. *Outcome: Certificates of Conformity are approved by the Zoning Administrator. Project review meetings are noticed to abutters and decisions are appealable to the Development Review Board.*	No change
<u>Option 2.</u> Change the permit review procedures. Selectboard should give clear direction on which approvals should involve the DRB. *Outcome: For example, Certificates of Conformity are reviewed by the Development Review Board. Abutter's are notified and decisions are appealable to State Environmental Court.*	Revise Section 8 Administrative Procedures.